

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv328**

WILLIAM A. PACK,)	
)	
Plaintiff,)	
)	
Vs.)	JUDGMENT
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

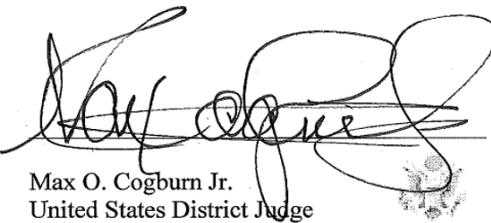
THIS MATTER having come before the court on the plaintiff's Motion for Summary Judgment (#9) and defendant's Motion for Judgment on the Pleadings (#13), and the Memorandum and Recommendation (#14) of Honorable David S. Cayer, United States Magistrate Judge, regarding the disposition of those motions, as discussed in the Order filed simultaneously herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that

(1) Judge Cayer's recommendation that the Commissioner's Motion for Judgment on the Pleadings be denied and that the plaintiff's Motion for Summary Judgment be allowed is **ACCEPTED**, the Commissioner's Motion for Judgment on the Pleadings (#13) is **DENIED**, and plaintiff's Motion for Summary Judgment (#9) is **GRANTED**; and

(2) **JUDGMENT** is entered pursuant to Sentence Four of 42 U.S.C. § 405, providing that the decision of the Commissioner is respectfully **REVERSED**, and this case is hereby **REMANDED** to the Commissioner for a new hearing consistent with this Judgment, the underlying Order, and Judge Cayer's Memorandum and Recommendation.

Signed: March 17, 2011



The image shows a handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". Below the signature, there is printed text identifying the signer.

Max O. Cogburn Jr.
United States District Judge